

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,                         )  
   )  
   )  
Plaintiff,   )   8:06CR134  
   )  
   )  
v.   )  
   )  
JOHN J. GRIMALDO,                                     )   ORDER  
   )  
   )  
Defendant.   )  
\_\_\_\_\_)

This matter is before the Court on the report and recommendation of the magistrate judge (Filing No. 28) recommending that defendant's motion to suppress (Filing No. 15) be denied in accordance with the findings read into the record (Filing No. 29, pp. 37-41 of the transcript). The Court notes that no objections were filed to said report and recommendation.

The Court has conducted a review of the transcript (Filing No. 29) and the report and recommendation of the magistrate judge and finds that the report and recommendation should be approved and adopted by the Court for the reasons stated by the magistrate judge in his opinion. Accordingly,

IT IS ORDERED that the report and recommendation of the magistrate judge is approved and adopted; defendant's motion to

suppress is denied. Trial of this matter is scheduled for:

**Monday, October 16, 2006, at 9 a.m.**

in Courtroom No. 5, Roman L. Hruska United States Courthouse, 111 South 18<sup>th</sup> Plaza, Omaha, Nebraska. The trial is scheduled at the earliest possible date on the Court's trial schedule and should give the parties time for trial preparation. Therefore, the ends of justice will be served by continuing this case and outweigh the interests of the public and the defendant in a speedy trial. The additional time between September 11, 2006, and October 16, 2006, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 11th day of September, 2006.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court